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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,289	10/31/2001	Anne Marie Darling	G08.058	4057

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EXAMINER	
GREENE, DANIEL L	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/016,289	DARLING, ANNE MARIE	
	Examiner	Art Unit	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the APPEAL BRIEF filed on 9/14/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. Claims 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balderrama et al. U.S. Patent 5,806,071 [Balderrama].

As per claim 16:

Balderrama discloses:

providing a content type specific template to the content creator, the content type specific template being associated with a particular content type of a plurality of content types supported by the system; Col. 11, lines 36-55.

allowing the content creator to create a draft by using the content type specific template; Col. 6, lines 15-30..

selecting at least one of a reviewer and an editor from among a plurality of reviewers and editors accessible via the system, the selecting based at least in part on the content type specific template; Col. 6, lines 25-42.

transmitting the draft to the selected at least one of a reviewer and an editor. Col. 8, lines 15-67.

Balderrama discloses the claimed invention except for allowing a content creator to log into a system. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to allow a content creator to log into a system since it is known in the art that for a dialog files creator **62,** a graphics editor **64,** etc., to work on a template, they must have logged into the system to access the templates.

As per claim 17:

Balderrama further discloses:

allowing the content creator to select the content type specific template from among a plurality of content type specific templates supported by the system. Fig. 4, Col. 11, lines 36-67.

As per claim 18:

Balderrama does not expressly show wherein the plurality of content specific templates includes a first template suitable for creating a website document, a second template suitable for creating an e-mail, a third template suitable for creating an alert, and a fourth template for creating branded content. However, Balderrama does teach about configuring electronic information (templates) for presentation at an interactive electronic device. (Abstract). Balderrama further discloses about creating an original template presentation, Fig. 3, **70,** that includes a complete package of items. Col. 6, lines 19-25.

Therefore these differences, creating a website document, an e-mail, an alert and branded content are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited in the method claims. The configuring electronic information (templates) for presentation at an interactive electronic device steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a plurality of content specific templates includes a first template suitable for creating a website document, a second template suitable for creating an e-mail, a third template suitable for creating an alert, and a fourth template for creating branded content because such data does not functionally

relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per claim 19:

Balderrama further discloses:

allowing the selected at least one of a reviewer and an editor to review the transmitted draft. Fig. 3.

As per claim 20:

Claim 16 is rejected under 35 U.S.C. 103 as being unpatentable over Balderrama. Balderrama teaches all of the elements claimed with the exception of applying a tag to the draft, and wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft.

However, Balderrama does show the step of identifying whether or not a template requires configuration or updating. Fig. 4, **116.** It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of tagging the template that requires configuration or updating because the skilled artisan would have recognized that this business practice of identifying/tagging a document/template requiring modifications provides for control of the template generation process and is clearly applicable to applying a tag to the draft, and wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft. These advantages are well known to those skilled in the art.

As per claim 21:

Balderrama discloses the claimed invention except for allowing a content creator to log into a system. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to allow a content creator to log into a system since it is known in the art that for a dialog files creator **62,** a graphics editor **64,** etc., to work on a template, they must have logged into the system to access the templates.

Balderrama discloses:

allowing the content creator to create a draft in the system; Col. 6, lines 15-30.

Balderrama teaches all of the elements claimed with the exception of applying a tag to the draft, and wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft.

However, Balderrama does show the step of identifying whether or not a template requires configuration or updating. Fig. 4-**116.** It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of tagging the template that requires configuration or updating because the skilled artisan would have recognized that this business practice of identifying/tagging a document/template requiring modifications provides for control of the template generation process and is clearly applicable to applying a tag to the draft, and wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft. Col. 6, lines 25-42. These advantages are well known to those skilled in the art.

transmitting the draft to the selected at least one of a reviewer and an editor. Col. 8, lines 15-67.

As per claim 22:

Balderrama further discloses:

wherein the system automatically applies the tag to the draft. Fig. 4-**110, 116.** Col. 11, lines 55-67.

As per claim 23:

Balderrama discloses the claimed invention except for wherein the content creator applies the tag to the draft.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein the content creator applies the tag to the draft, since it has been held that broadly providing a manual means to replace an automatic activity which accomplishes the same results involves only routine skill in the art. *In re Venner, 120 USPQ 192.*

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to permit the content creator to apply a tag to the draft within the limitations/guidelines specified by the TEMPLATE-ITEM BASE RECORDS & INSTRUCTIONS. Fig. 3-**68.**

As per claim 24:

Balderrama further discloses:

allowing the selected at least one of a reviewer and an editor to review the transmitted draft. Fig. 3.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/26/2004

DLG

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